

DETAILED ACTION

Election/Restrictions

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 70-72, 74-77, 79-80, 85, and 99, drawn to a method for treating glomerulonephritis comprising administering an IFN- β therapeutic.

Group II, claim(s) 105-106, 108-111, 113-114, 119, and 133, drawn to a method for treating chronic renal failure comprising administering an IFN- β therapeutic.

2. The inventions listed as Groups I-II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: Pursuant to 37 C.F.R. § 1.475(B-D), the ISA/US considers that where multiple products and processes are claimed, the main invention shall consist of the first invention of the category first mentioned in the claims and the first recited invention of each of the other categories related thereto. Accordingly, the main invention (Group I) comprises the first recited method, a method for treating glomerulonephritis comprising administering an IFN- β therapeutic. Group II does not share the same or corresponding special technical feature because the Group II invention is drawn to a method for treating chronic renal failure comprising administering an IFN- β therapeutic. Lack of unity is shown because these methods lack a common utility which is based upon a common technical feature which has been identified as the basis for that common utility.

3. This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

4. The species are as follows: (1) focal glomerulosclerosis, (2) collapsing glomerulopathies, (3) minimal change disease, (4) crescentic glomerulonephritis, (5) nephritic syndrome, (6)

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nephrotic syndrome, (7) primary glomerulonephritis, (8) secondary glomerulonephritis, (9) proliferative glomerulonephritis, (10) membranous glomerulonephritis, (11) membranoproliferative glomerulonephritis, (12) immune-complex glomerulonephritis, (13) anti-glomerular basement membrane (anti-GBM) glomerulonephritis, (14) pauci-immune glomerulonephritis, (15) diabetic glomerulopathy, (16) chronic glomerulonephritis, and (17) hereditary nephritis.

5. Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

6. Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

7. The claims are deemed to correspond to the species listed above in the following manner:

Species 1-17: Claim 71.

The following claim(s) are generic: 70.

8. The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: they are distinct medical conditions having different etiologies and effects, and therefore cannot constitute a unifying technical feature.

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9. Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

10. The election of an invention or species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

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Advisory Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Jon M. Lockard, Ph.D.** whose telephone number is **(571) 272-2717**. The examiner can normally be reached on Monday through Friday, 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Manjunath N. Rao, Ph.D.**, can be reached on **(571) 272-0939**. The fax number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866-217-9197** (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. M. L./
Examiner, Art Unit 1647
December 14, 2007

/Jon M Lockard/
Examiner, Art Unit 1647